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**FACSIMILE TRANSMITTAL**

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**TO:**

**Name:** Mail Stop AMENDMENT  
Group Art Unit 3732/Examiner M. Priddy

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 703-872-9306

**Subject:** U.S. Patent Application No. 10/085,731

Gary K. Michelson

Filed: March 1, 2002

**DYNAMIC LORDOTIC GUARD WITH  
MOVABLE EXTENSIONS FOR CREATING  
AN IMPLANTATION SPACE POSTERIORLY  
IN THE LUMBAR SPINE (as amended)**

Attorney Docket No. 101.0081-00000

Customer No. 22882

Confirmation No.: 8412

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 2

**Date:** January 21, 2005

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$1,200.00 total amount to cover the \$1,020 three-month extension fee and \$180 IDS fee is to be charged to Deposit Account No. 50-1066), Amendment, and Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on January 21, 2005.

  
Sandra L. Blackmon

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JAN 21 2005

FORM PTO-1083

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Attorney Docket No.: 101.0081-00000

Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/085,731

Filed: March 1, 2002

For: DYNAMIC LORDOTIC GUARD WITH  
MOVABLE EXTENSIONS FOR CREATING  
AN IMPLANTATION SPACE POSTERIORLY  
IN THE LUMBAR SPINE (as amended)

Confirmation No.: 8412

Art Unit: 3732

Examiner: M. Priddy

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in reply to the Office Action dated July 21, 2004 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a three-month extension of time to respond to the above office action.
- ☒ An Information Disclosure Statement Under 37 C.F.R. § 1.97(c) and Form PTO-1449 are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	127	-	165	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180		\$ 0
TOTAL							\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ A fee in the amount of \$1,200.00 to cover the \$1,020 three-month extension of time fee and \$180 IDS fee is to be charged to Deposit Account No. 50-1066.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: January 21, 2005

By:   
Thomas H. Martin  
Registration No. 34,383

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